

12mo
#747
no. 31

Conf Pam 12mo #747

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HD. QRS. DEPARTMENT NORTHERN VA.
April 16, 1864.

GENERAL ORDERS, }
No. 31.

I. Proceedings of a General Court Martial, convened at the Camp of the Artillery of the Second Corps, by virtue of Special Orders, No. 31, Head Quarters Department of Northern Virginia, before which were arraigned and tried the following prisoners—(The Specifications are omitted):

1.—Corporal E. J. TUCK, Carter's Battery, Carter's Battalion.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Corporal E. J. Tuck, Carter's Battery, Carter's Battalion, to be reduced to the ranks.

2.—Private T. O. GATES, King William Artillery.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Private Thomas O. Gates, King William Artillery, Carter's Battalion.

3.—Corporal WM. L. STEWART, Reese's Battery.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Corporal William L. Stewart, Reese's Battery, Carter's Battalion, to be reduced to the ranks.

4.—Private BROOKS McCRAW, Orange Artillery.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Brooks McCraw, Orange Artillery, Carter's Battalion.

5.--Private J. C. RODENHEISER, 2d Company Richmond Howitzers.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Private J. C. Rodenheiser, Second Company Richmond Howitzers.

5.—Private S. G. BOWLAND, 1st Md. Artillery.

CHARGE—As sentinel, sleeping on post.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private S. G. Bowland, First Maryland Battery, Braxton's Battalion, to be confined at the provost guard house of the Second Corps Artillery, to assist in loading and unloading government stores at Frederick Hall depot during the time his company remains in winter quarters, and to forfeit his monthly pay to the confederate government for three months.

II. The proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

Those acquitted will be restored to duty.

III. Continuation of the proceedings of a General Court Martial, convened at the Head Quarters of the Artillery of the Third Corps, by virtue of Special Orders, No. 39, Head Quarters Department of Northern Virginia, before which were arraigned and tried the following prisoners—(The Specifications are omitted):

1.—Private JAMES C. TAYLOR, Rice's Battery, McIntosh's Battalion.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him the said Private James C. Taylor, Rice's Battery, McIntosh's Battalion, to be confined at hard labor for the period of three years, at such place as the Commanding General may direct, with a ball weighing twenty pounds attached to his left ankle by a chain three feet long, and to forfeit all pay for the said period of three years.

2.—Private THOMAS J. GOODALL, Letcher Artillery, Pegram's Battalion.

CHARGE—Desertion.

FINDING.

Of Specification,

substituting for the words "first day of November," the words "fourth day of December," and for the word "desert," the words "absent himself without leave."

Guilty,

Of Charge,
but guilty of absence without leave.

Not Guilty,

Owing to the circumstances of the case, the Court attach no criminality to the conduct of the accused, Private Thomas J. Goodall of the Letcher Artillery, Pegram's Battalion.

3.—Private JOHN C. CARROLL, Utterback's Battery.

CHARGE—Desertion.

FINDING.

Of Specification,
substituting for the words "desert the said service," the words "enlist himself in another company without a regular discharge from the company in which he last served."

Guilty/

Of Charge,
but guilty of enlisting himself in another company without a regular discharge from the company in which he last served.

Not Guilty,

SENTENCE.

And the Court do therefore sentence him Private John C. Carroll of Utterback's Battery, Poague's Battalion, to be confined to hard labor with his battalion for the period of four calendar months; to forfeit all pay for the said period of four calendar months, and to be confined strictly to camp limits for the period of six calendar months.

The Court are thus lenient, in consideration of the extreme youth of the accused, and of his previous good character.

4.—Privates ANDREW J. WILSON, FRANK SMITH, JOHN CORNEAL, FRANCIS HINKS, THOMAS BROWN, JOHN MORRISSEY, FRANK DELANEY and MICHAEL MANNING, of the Letcher Artillery, Pegram's Battalion.

CHARGE—Grand larceny.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence them the said Privates Andrew J. Wilson, Frank Smith, John Corneal, Francis Hinks, Thomas Brown, John Morrissey, Frank Delaney and Michael Manning, of the Letcher Artillery, Pegram's Battalion, each and every one of them, to forfeit to the Confederate States all pay and allowances for the period of three years, and to be confined in any available penitentiary for the same time. If this is not practicable, to forfeit to the Confederate States all pay and allowances for the period of three years, and to be confined at hard labor, in charge of a guard, at such post as the Commanding General may direct, wearing a twenty-pound ball attached to the left leg by a chain three feet long, for the said period of three years.

IV. The proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

The sentences respectively in the cases of Privates Andrew J. Wilson, Frank Smith, John Corneal, Francis Hinks, Thomas Brown, John Morrissey, Frank Delaney and Michael Manning, all of the Letcher Artillery—it being impracticable

to send them to a penitentiary, and the necessary allowances being exempted from the forfeiture decreed by the Court—and of Private James C. Taylor of Rice's Battery, will be executed under the direction of the commanding officer at Richmond, Virginia, to whom they will be sent, with copies of their respective sentences.

The acquitted will be restored to duty.

V. Continuation of the proceedings of a General Court Martial, convened for Heth's Division, by virtue of Special Orders, No. 72, Head Quarters Department of Northern Virginia, current series, before which were arraigned and tried the following prisoners—(Some of the Specifications are omitted):

1.—Private JACK EMORY, Company A, 44th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except "brought back under guard."
Of Charge,

Guilty.

Guilty.

SENTENCE.

And the Court do therefore sentence him Private Jack Emory, Company A, forty-fourth Regiment North Carolina Troops, to be placed at hard labor, with ball and chain—ball weighing twelve pounds, attached to chain one foot six inches in length—fastened to his left leg, upon the fortifications of the Confederate States for the period of five years, and suspend his pay due him to the present time, and all pay accruing to him for the period of five years.

The Court are thus lenient, on account of the fact of his being returned under guard not proven.

2.—Private JAMES T. SACRA, Company K, 47th Va. Regiment.

CHARGE—Neglect of duty—suffering a prisoner to escape the guard.

FINDING.

Of Specification,
Of Charge,

Guilty.

Guilty.

SENTENCE.

And the Court do therefore sentence him Private James Sacra, Company K, forty-seventh Virginia Regiment, to carry upon his shoulder a billet of wood weighing thirty pounds, two hours each day—one hour in the morning and one in the evening—for the space of ten days.

The Court are thus lenient, on account of the good character of the accused, and not being properly instructed by the sergeant of the guard.

3.—Private JAMES H. TATE, Company H, 22d Va. Battalion.

CHARGE—Desertion.

FINDING.

Of Specification,
except "brought back under guard."
Of Charge,
but guilty of absence without leave.

Guilty.

Not Guilty.

SENTENCE.

And the Court do therefore sentence him Private James H. Tate, Company H, twenty-second Virginia Battalion, to forfeit all dues up to the time of his return to the regiment; also to forfeit his pay for twelve months, and to perform all police duty in camp for the period of twelve months, under direction of his regimental commander.

4.—Private ALVARADO D. JETT, Company A, 47th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification, except the words "being a duly enlisted soldier."	Guilty.
Of Charge,	Not Guilty.

And the Court do therefore acquit him Private Alvarado D. Jett, Company A, forty-seventh Virginia Regiment, the evidence showing that the accused is a minor, and that the Regulations are not complied with in regard to his enlistment.

5.—Second Lieutenant W. H. WHATLEY, Company D, 11th Miss. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,	Guilty.
Of Charge,	Guilty.

And the Court, in consideration of the facts, that the accused, Second Lieutenant W. H. Whatley, Company D, eleventh Mississippi Regiment, gave himself six days, the time allowed to return, and as the delay was unavoidable, attach no criminality, and do therefore acquit him Lieutenant W. H. Whatley, Company D, eleventh Mississippi Regiment.

6.—Private MILES M. DEAL, Company K, 46th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,	Guilty.
Of Charge, but guilty of absence without leave.	Not Guilty.

SENTENCE.

And the Court do therefore sentence him Private Miles M. Deal, Company K, forty-sixth North Carolina Regiment, to be placed at hard labor in camp for sixty days; his pay to be suspended for one month, and to be excused from no fights or marches.

7.—Lieutenant ROBERT F. WARD, Company B, 42d Miss. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification, but attach no criminality.	Guilty.
Of Charge,	Not Guilty.

And the Court do therefore acquit him First Lieutenant Robert F. Ward, Company B, forty-second Mississippi Regiment.

8.—Captain S. W. MITCHELL, Company H, 47th N. C. Regiment.

CHARGE—Absence without leave.

Of Specification,	FINDING.	Guilty.
Of Charge,		Guilty.

SENTENCE.

And the Court do therefore sentence him Captain Sidney W. Mitchell of the forty-seventh North Carolina Regiment, to be suspended from pay for thirty days.

9.—Major CHARLES R. IRVING, 1st Va. Cavalry.

CHARGE—Absence without leave.

Of Specification,	FINDING.	Not Guilty.
Of Charge,		Not Guilty.

And the Court do therefore acquit him Charles R. Irving, Major of the first Virginia Cavalry, and would respectfully recommend to officers sending cases to this Court for trial, to send witnesses that know something about the charges they allege.

10.—Private SAMUEL SIMMS, Company B, 11th N. C. Regiment.

CHARGE—Desertion.

Of Specification,	FINDING.	Guilty.
except "being arrested."		
Of Charge,		Guilty.

SENTENCE.

And the Court do therefore sentence him Private Samuel Simms of Company B, of the eleventh North Carolina Regiment, to have all pay due him up to the present time and all pay accruing to him for five years suspended, and to be placed at hard labor upon the fortifications of the Confederate States for the period of five years.

11.—Dr. C. D. OWENS, Assistant Surgeon 1st Va. Cavalry.

CHARGE—Absence without leave.

Of Specification,	FINDING.	Guilty.
Of Charge,		Guilty.

SENTENCE.

And the Court do therefore sentence him Christian D. Owens, Assistant Surgeon of the first Virginia Cavalry, to be suspended from pay for thirty-two days.

12.—Lieutenant R. W. STEDMAN, Company A, 44th N. C. Troops.

CHARGE—Absence without leave.

Of Specification,	FINDING.	Guilty.
Of Charge,		Guilty.

SENTENCE.

And the Court do therefore sentence him Lieutenant R. Winship Stedman, to be suspended from pay for ten days.

13.—Lieutenant THOMAS CLEMMONS, Company I, 7th Tenn. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Second Lieutenant Thomas A. Clemmons of Company I, of the seventh Tennessee Regiment, to be suspended from pay for ten days.

The Court are thus lenient, on account of the good character of the accused.

14.—Private THOMAS SPINKS, Company H, 1st Va. Cavalry.

CHARGE—Desertion.

FINDING.

Of Specification,
except "did desert."
Of Charge,

Guilty.

but guilty of absence without leave.

Not Guilty,

SENTENCE.

And the Court do therefore sentence him Private Thomas Spinks of Company H, of the first Virginia Cavalry, to do all police duty in camp for thirty days, and be excused from no fights or marches.

The Court are thus lenient, on account of the bad health of the accused, and his ignorance as to his duty as a soldier, which we attribute to a loose and bad state of discipline in his company.

15.—Captain H. E. COLES, Company F, 40th Va. Regiment.

CHARGE—Conduct prejudicial to good order and military discipline.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Captain H. E. Coles of Company F, fortieth Virginia Regiment. Still the evidence shows that a deplorable state of discipline exists among the company officers of this regiment.

16.—Private JEREMIAH LESTER, Company C, 10th Va. Cavalry.

CHARGE—Desertion.

Specification—In this, that he Private Jeremiah Lester of Company C, of the tenth Regiment of Virginia Cavalry, a duly enlisted soldier in the Confederate States service, and having received pay as such, did, on or about the thirty-first day of March in the year of our Lord one thousand eight hundred and sixty-three, at or near Waller's church, in the county of Spotsylvania, and state of Virginia, desert the said service, and remain absent therefrom until arrested, on or about the first day of March in the year of our Lord one thousand eight hundred and sixty four.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court (two-thirds concurring) do therefore sentence him Private Jeremiah Lester of Company C, of the tenth Regiment of Virginia Cavalry, to be shot to death with musketry, at such time and place as the Commanding General may direct.

17.—Private ELIJAH S. THOMPSON, Company E. 47th N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
except "being arrested and brought back under guard."
Of Charge,

Guilty,
Guilty.

SENTENCE.

And the Court do therefore sentence him Private Elijah S. Thompson of Company E, of the forty-seventh Regiment of North Carolina Troops, to be placed at hard labor, with ball and chain—ball to weigh twelve pounds, attached to a chain one foot six inches in length, fastened to left leg—upon the fortifications of the Confederate States for the period of five years, and to forfeit all pay due him up to the time of his return to his regiment.

18.—Private S. W. BERLIN, Company M, 55th Va. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
but attach no criminality, on account of unavoidable absence.
Of Charge,
but attach no criminality.

Guilty,
Guilty,

And the Court do therefore acquit him Private S. W. Berlin, Company M, fifty-fifth Virginia Regiment.

19.—First Lieut. WM. T. DICKINSON, Company K, 11th N. C. Troops.

CHARGE—Violation of paragraph 438 of Army Regulations, and of General Orders, No. 3, from the Adjutant and Inspector General's office, of the series of eighteen hundred and sixty-three.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him First Lieutenant William T. Dickinson of Company K, of the eleventh North Carolina Troops, to be privately reprimanded by his brigade commander, calling his attention to the importance of knowing his duty as an officer, as set forth in the Army Regulations.

20.—Private WILLIAM JASPER SHANNON, Company F, 48th N. C. Troops.

CHARGE 1st—Desertion.

Specification—In this, that he Private William Jasper Shannon of Company F, of the forty-eighth Regiment of North Carolina Troops, a regularly enlisted soldier in the Confederate States service, and who has received pay as such, did, on or about the thirty-first day of July in the year of our Lord eighteen hundred and sixty three, at or near Taylorsville, in the state of Virginia, desert the said service; and having in company with other deserters made his way towards North Carolina, and having been captured near the Roanoke river, not far from a place called Ridgeway, in the state of North Carolina, by a detail from the thirty-fifth Regiment of North Carolina Troops, and having been sent under guard to Weldon, in the state last aforesaid, did, on or about the tenth day of August of the same year, escape from the guard at Weldon aforesaid, and on or about the tenth or the fifteenth day of September of the same year, he the said Private William Jasper Shannon was again captured in the woods near his home in Union county, in the state of North Carolina, and sent under guard to the common jail for safe keeping, in Monroe, in the state of North Carolina, and a few days thereafter did escape from the said jail, and remain absent until he voluntarily returned to his company and regiment near Orange courthouse, in the state of Virginia, on or about the twenty fifth day of March in the year of our Lord eighteen hundred and sixty-four.

CHARGE 2d—Advising and persuading soldiers to desert.

Specification—In this, that he William Jasper Shannon, a private of Company F, of the forty-eighth Regiment North Carolina Troops, on or about the thirty-first day of July in the year of our Lord eighteen hundred and sixty-three, at or near Taylorsville, in the state of Virginia, and for several days before and after that day, and at other places, as well as at or near Taylorsville aforesaid, did advise and persuade John B. Shannon, his brother, a private of Company F of the forty-eighth Regiment North Carolina Troops, and Privates Robert Watson, S. T. Adams, Nathan E. Baker, Robert C. Delauey, A. A. C. Phillips, William E. Pressly of Company F, and Privates Oliver and Garrison Biggers, Jesse L. and Henry T. Long, of Company I of the same regiment, all duly enlisted soldiers in the Confederate States service, to desert the said service of the Confederate States.

FINDING.

Of Specification of 1st Charge,	Guilty.
Of 1st Charge,	Guilty.
Of Specification of 2d Charge,	Guilty.
of persuading ten soldiers to desert.	
Of 2d Charge,	Guilty.

SENTENCE.

And the Court (two-thirds concurring) do therefore sentence him Private William Jasper Shannon of Company F, of the forty-eighth Regiment of North Carolina Troops, to be shot to death with musketry, at such time and place as the Commanding General may direct.

21.—Private WILLIAM MORTON, Company D, 55th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,	Guilty.
Of Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence him Private William Morton of Company D, fifty-fifth North Carolina Troops, to hard labor upon the fortifications of the Confederate States, with ball and chain, ball weighing twelve pounds, attached

to chain one foot six inches in length, fastened to left leg, for the period of five years.

The Court are thus lenient, on account of the imbecility of the accused.

22.—Private CLAIBORNE LANG, Company H, 1st Va. Cavalry.

CHARGE 1st—Absence without leave.

CHARGE 2d—Disobedience of orders.

FINDING.

Of Specification of 1st Charge.

Of 1st Charge,

Of Specification of 2d Charge,

Of 2d Charge,

Not Guilty.

Not Guilty.

Not Guilty.

Not Guilty.

And the Court do therefore acquit him Private Clairborne Lang, Company H, first Virginia Cavalry; and would respectfully recommend that officers preferring charges would send witnesses to prove charges they allege.

23.—Captain R. A. REID, Provost Marshal 3d Military Court, A. N. V.

CHARGE—Overstaying his leave of absence.

FINDING.

Of Specification,

Of Charge,

Not Guilty.

Not Guilty.

And the Court do therefore acquit him Captain Richmond A. Reid, Provost Marshal of Military Court, Third Army Corps.

24.—Private PETER CESSUMES, Company H, 55th N. C. Troops.

CHARGE 1st—Disobedience of orders.

CHARGE 2d—Conduct to the prejudice of good order and military discipline—in using seditious language.

FINDING.

Of 1st Specification of 1st Charge,

Of 1st Charge,

Of Specification of 2d Charge,

Of 2d Charge,

Guilty.

Guilty.

Guilty.

Guilty.

And the Court do impose no punishment, because of the punishment already imposed, and of the mental imbecility of the accused.

VI. The proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and with the exceptions herein after indicated, will be duly executed.

Those acquitted will be restored to duty.

The sentences of Private Samuel Simms of Company B, of the tenth North Carolina Regiment; of Private Jack Emory of Company A, of the forty-fourth North Carolina Regiment; of Private William Morton of Company D, of the fifty-fifth North Carolina Regiment, and of Private Elijah S. Thompson of Company E, of the forty-seventh North Carolina Regiment, will be executed under the direction of the commanding officer at Richmond, Virginia, to whom they will be sent, with copies of their respective sentences.

In consideration of the unanimous recommendation of the Court, and the cir-

circumstances developed on the trial, the sentence of Captain S. W. Mitchell, of the forty-seventh North Carolina Regiment, is remitted. He will resume his sword.

Private Alvarado D. Jett, arraigned as of Company A, of the forty-seventh Virginia Regiment, being acquitted on the ground of never having been properly enlisted, will be duly enrolled by his brigade commander. He may choose any regiment within this army.

In consideration of his voluntary return, and of the patriotic and worthy conduct of his wife in persuading him to this step, the execution of the sentence in the case of Private William Jasper Shannon of Company F, of the forty-eighth North Carolina Regiment, is suspended until the decision of the President in his case is known. He will be sent for custody to the commanding officer at Richmond, Virginia, with a copy of so much of this order as relates to his case.

The sentence in the case of Private Jeremiah Lester of Company C, of the tenth Regiment of Virginia Cavalry, will be duly executed in the presence of his brigade, seven days after the publication of his sentence to the same, under the direction of his division commander.

VII. Continuation of the proceedings of the Military Court of the Second Corps, Army of Northern Virginia, before which were arraigned and tried the following prisoners—(Some of the Specifications are omitted):

1.—Private J. F. OWENS, Company E, 4th N. C. Regiment Infantry.

CHARGE—Desertion.

Specification—In this, that he Private J. F. Owens, a duly enlisted soldier in Company E, of the fourth North Carolina Regiment, in the army of the Confederate States, and having received pay and allowances as such, did desert the said service on or about the eighteenth day of March in the year of our Lord one thousand eight hundred and sixty-four, at or near Orange courthouse, in the state of Virginia, and so remain absent until brought back under guard on the twenty-ninth day of the said month and year.

FINDING.

Of Specification,

Guilty.

Of Charge,

Guilty.

SENTENCE.

And the Court do therefore sentence the said Private J. F. Owens of Company E, fourth Regiment of North Carolina Infantry, to be shot to death with musketry, at such time and place as the Commanding General shall direct.

2.—Private R. W. PHILLIPS, Company D, 4th Regiment N. C. Infantry.

CHARGE—Desertion.

FINDING.

Of Specification,

Guilty.

Of Charge,

Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Robert W. Phillips of Company D, of the fourth Regiment of North Carolina Infantry, to do hard labor

on the public works for twelve months, with a ball and chain attached to his left leg.

3.—Private THOMAS HOLBROOKS, Company B, 4th N. C. Regiment.

CHARGE—Desertion.

Of Specification,
Of Charge,

FINDING.

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Thomas Holbrooks of Company B, of the fourth Regiment of North Carolina Infantry, to do hard labor on the public works for twelve months, with a ball and chain attached to his left leg.

4.—Private W. W. WYATT, Company E, 4th N. C. Regiment Infantry.

CHARGE—Desertion.

Specification—In this, that he Private W. W. Wyatt, a duly enlisted soldier in Company E, of the fourth North Carolina Regiment of the army of the Confederate States, and having received pay and allowances, as such, did desert the said service at or near Orange courthouse, in the state of Virginia, on or about the eighteenth day of March in the year of our Lord one thousand eight hundred and sixty-four, and so remained absent until brought back under guard on the twenty-ninth day of March in the year aforesaid.

Of Specification,
Of Charge,

FINDING.

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private W. W. Wyatt of Company E, of the fourth Regiment of North Carolina Infantry, to be shot to death with musketry, at such time and place as the Commanding General may direct.

5.—Private S. L. MCDANIEL, Company F, 42d Va. Regiment Infantry.

CHARGE—Desertion.

Of Specification,
except as to the words "desert the service."
Of Charge,
but guilty of absence without leave.

FINDING.

Guilty,
Not Guilty.

SENTENCE.

And the Court do therefore sentence the said Private S. L. McDaniel of Company F, forty-second Regiment of Virginia Infantry, to perform extra police and fatigue duty for three months, under the provost guard.

6.—Private JEREMIAH COBB, Company D, 4th Regiment N. C. Infantry.

CHARGE—Desertion.

Of Specification,
Of Charge,

FINDING.

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Jeremiah Cobb of Company D, of the fourth Regiment of North Carolina Infantry, to do hard labor on the public works for twelve months, with a ball and chain attached to his left leg.

7.—Private PHILLOW BENFIELD, Company H, 4th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Philow Benfield of Company H, of the fourth Regiment of North Carolina Infantry, to do hard labor on the public works for twelve months, with a ball and chain attached to his left leg.

8.—Private ANDREW COX, Company D, 4th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge.

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Andrew Cox of Company D, of the fourth Regiment of North Carolina Infantry, to do hard labor on the public works for twelve months, with a ball and chain attached to his left leg.

9.—Private ROBERT SPARKS, Company E, 4th N. C. Regiment.

CHARGE—Desertion.

Specification—In this, that he Robert Sparks, a duly enlisted soldier in Company E, of the fourth North Carolina Regiment, of the army of the Confederate States, and having received pay and allowances as such, did, on the eighteenth day of March in the year of our Lord one thousand eight hundred and sixty-four, at or near Orange courthouse, in the state of Virginia, desert the said service, and so remained absent until brought back under guard, on the twenty-ninth day of March in the said year.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Robert Sparks of Company E, of the fourth Regiment of North Carolina Infantry, to be shot to death with musketry, at such time and place as the Commanding General may direct.

10.—Private GEORGE W. MAVERLY, Company E, 42d Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit the said Private George W. Maverty, Company F, forty-second Virginia Regiment of Infantry, of the charge and specification alleged against him.

11.—Private JAMES BIAS, Company F, 50th Va. Infantry.

CHARGE—Desertion

FINDING.

Of Specification,	Not Guilty.
Of Charge,	Not Guilty.
but guilty of absence without leave from the 15th day of	
March in the year of our Lord 1863, until the 16th of	
March in the year of our Lord 1864.	

SENTENCE.

And the Court do therefore sentence the said Private James Bias of Company F, of the fiftieth Regiment of Virginia Infantry, to perform three months' extra police and fatigue duty, under charge of the provost guard.

The Court are thus lenient, on account of the physical condition of the accused, and on account of other extenuating circumstances.

12.—Captain JOHN S. WOODSON, 44th Va. Infantry.

CHARGE 1st—Absence without leave.

CHARGE 2d—Failing to repair, at the time fixed, to the place of parade appointed by his commanding officer.

CHARGE 3d—Disobedience of orders.

FINDING.

Of Specification of 1st Charge,	Not Guilty.
Of 1st Charge,	Not Guilty.
Of Specification of 2d Charge,	Guilty.
Of 2d Charge,	Guilty.
Of Specification of 3d Charge,	Guilty.
Of 3d Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence the said Captain John S. Woodson of the forty-fourth Regiment of Virginia Infantry, to forfeit to the Confederate States ten days' pay, and to be reprimanded in General Orders from brigade headquarters.

13.—Private PLEASANT J. STEFFEY, Company E, 48th Va. Infantry.

CHARGE—Enlisting himself in another regiment, without a regular discharge from the regiment in which he last served.

FINDING.

Of Specification,	Guilty.
Of Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Pleasant J. Steffey of Company E, of the forty-eighth Virginia Regiment of Infantry, to do hard labor on the public works for twelve months, with a ball and chain attached to his left leg.

14.—Private RALEIGH BOWMAN, Company K, 50th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Raleigh Bowman, of Company K, of the fiftieth Regiment of Virginia Infantry, to do hard labor on the public works for twelve months, with a ball and chain attached to his left leg.

15.—Private HENDERSON DOLLARHIDE, Company C, 48th Va. Regiment.

CHARGE—Enlisting himself in another regiment, without a regular discharge from the regiment in which he last served.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Henderson Dollarhide of Company C, of the forty-eighth Regiment of Virginia Infantry, to do hard labor on the public works for twelve months, with a ball and chain attached to his left leg.

16.—Private DANIEL LANTZ, Company K, 25th Va. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

But owing to the peculiar circumstances of the case, impose no punishment, deeming the loss of pay during his absence sufficient.

17.—Lieutenant BENJAMIN F. PERSONS, Company G, 4th Ga. Regiment Infantry.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant Benjamin F. Persons of Company G, of the fourth Regiment of Georgia Infantry, to forfeit one month's pay to the Confederate States.

18.—Private JACKSON H. DOOLEY, Company B, 25th Va. Regiment.

CHARGE 1st—Desertion.

CHARGE 2d—Enlisting himself in another company, without a regular discharge from the company in which he last served.

FINDING.

Of Specification of 1st Charge,
Of 1st Charge,
Of Specification of 2d Charge,
Of 2d Charge,

Not Guilty.
Not Guilty.
Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Jackson H. Dooley of Company B, of the twenty-fifth Regiment of Virginia Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for twelve months.

19.—Private JEREMIAH TURING, Company E, 33d Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except as to the word "desert."
Of Charge,
but guilty of absence without leave.

Guilty,
Not Guilty,

SENTENCE.

And the Court do therefore sentence the said Private Jeremiah Turing of Company E, of the thirty-third Regiment of Virginia Infantry, to perform three months' extra fatigue and police duty under the provost guard.

20.—Private GEORGE P. PEPPER, Company A, 37th Va. Infantry.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,
but guilty of absence without leave from the fifth day of June in the year of our Lord one thousand eight hundred and sixty-three until the twenty-eighth day of March in the year of our Lord one thousand eight hundred and sixty-four.

Not Guilty.
Not Guilty,

SENTENCE.

And the Court do therefore sentence the said Private George P. Pepper of Company A, of the thirty-seventh Regiment of Virginia Infantry, to perform three months' extra police and fatigue duty, under the provost guard, and to forfeit three months' pay to the Confederate States.

21.—Private NOAH S. LESTER, Company A, 37th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except as to the words "desert the service and."
Of Charge,
but guilty of absence without leave.

Guilty,
Not Guilty,

SENTENCE.

And the Court do therefore sentence the said Private Noah S. Lester of Com-

pany A, of the thirty-seventh Regiment of Virginia Infantry, to ride a wooden horse six feet high—one hour on and one hour off—every alternate day for one month.

22.—Private GEORGE W. FITZGERALD, Company F, 50th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private George W. Fitzgerald of Company F, of the fiftieth Regiment of Virginia Infantry, to do hard labor on the public works, with ball and chain attached to his left leg, for twelve months.

23.—Private H. L. HESS, Company G, 37th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except as to the words "did then and there desert the said service."

Guilty.

Of Charge,
but guilty of absence without leave.

Not Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Henry L. Hess of Company G, of the thirty-seventh Regiment of Virginia Infantry, to perform extra fatigue and police duty for one month.

24.—Private JESSE MCNEELEY, Company I, 21st Va. Infantry.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Jesse McNeeley of Company I, of the twenty-first Regiment of Virginia Infantry, to do hard labor on the public works, with a ball and chain attached to the left leg, for twelve months.

25.—Private SPENCER ADKINS, Company I, 21st Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except as to the word "desert."

Guilty,

Of Charge,
but guilty of absence without leave.

Not Guilty,

SENTENCE.

And the Court do therefore sentence the said Private Spencer Adkins of Company I, of the twenty-first Regiment of Virginia Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for three months.

26.—Private J. W. HARRIS, Company I, 1st Regiment N. C. Infantry.

CHARGE—Desertion.

FINDING.

Of Specification,
except as to the words "desert the service."
Of Charge,
but guilty of absence without leave.

Guilty.

Not Guilty.

But in consideration of the sickness of the accused, the Court impose no punishment.

27.—Private GEORGE RODEHOEFFER, Company I, 33d Regiment Va. Infantry.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge.

Guilty.

Guilty.

SENTENCE.

And the Court do therefore sentence the said Private George Rodehoeffer of Company I, of the thirty-third Regiment of Virginia Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for twelve months.

28.—Private D. C. BELL, Company I, 21st Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge.

Guilty.

Guilty.

SENTENCE.

And the Court do therefore sentence the said Private David C. Bell of Company I, of the twenty-first Regiment of Virginia Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for twelve months.

29.—Private HARVEY GREY, Company B, 42d Va. Regiment.

CHARGE—Enlisting himself in another company, without a regular discharge from the one in which he last served.

FINDING.

Of Specification,
Of Charge.

Guilty.

Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Harvey Grey of Company B, of the forty-second Regiment of Virginia Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for twelve months.

30.—Private THOMAS LOYD, Company B, 1st N. C. Regiment Infantry.

• CHARGE—Desertion.

FINDING.

Of Specification,
except as to the words "then and there desert the said service and."

Guilty.

Of Charge,
but guilty of absence without leave.

Not Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Thomas Loyd of Company B, of the first Regiment of North Carolina Infantry, to perform three months' extra police and fatigue duty, under the provost guard.

31.—Private ELI BENNETT, Company K, 25th Va. Regiment.

CHARGE 1st—Absence without leave.

CHARGE 2d—Enlisting in another company, without a regular discharge from that in which he last served.

FINDING.

Of Specification of 1st Charge, Guilty,
substituting the words "first day of August" for "twentieth day of May."

Of 1st Charge. Guilty.

Of Specification of 2d Charge. Guilty,
substituting the word "September" for the word "May."

Of 2d Charge. Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Eli Bennett of Company K, of the twenty-fifth Virginia Regiment of Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for twelve months.

32.—Private NOAH HISER, Company K, 25th Va. Regiment.

CHARGE 1st—Absence without leave.

CHARGE 2d—Enlisting in another company, without a regular discharge from the company in which he last served.

FINDING.

Of Specification of 1st Charge. Guilty.

Of 1st Charge. Guilty.

Of Specification of 2d Charge. Guilty.

Of 2d Charge. Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Noah Hiser of Company K, of the twenty-fifth Virginia Regiment of Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for twelve months.

33.—Private W. W. McMULLAN, Company K, 25th Va. Regiment.

CHARGE 1st—Absence without leave.

CHARGE 2d—Enlisting himself in another company, without a regular discharge from that in which he last served.

FINDING.

Of Specification of 1st Charge. Guilty,
substituting the words "first of November" for the words "sixth of September."

Of 1st Charge. Guilty.

Of Specification of 2d Charge,
 substituting the words "sixteenth of November" for the
 words "sixth of September."
 Of 2d Charge,

Guilty.

Guilty.

SENTENCE.

And the Court do therefore sentence the said Private William W. McMullin of Company K, of the twenty-fifth Regiment of Virginia Infantry, to do hard labor on the public works, with a ball and chain attached to his left leg, for twelve months.

VIII. With the exceptions herein after indicated, the proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

The sentences in the cases of Private Harvey Grey of Company B, of the forty-second Virginia Regiment; of Private D. C. Bell of Company I, of the twenty-first Virginia Regiment; of Private George Rodehoeffer of Company I, of the thirty-third Virginia Regiment; of Privates Spencer Adkins and Jesse McNeeley—both of Company I, of the twenty-first Virginia Regiment; of Private George W. Fitzgerald of Company F, of the fiftieth Virginia Regiment; of Private H. Dollarhide of Company C, of the forty eighth Virginia Regiment; of Private Raleigh Bowman of Company K, of the fiftieth Virginia Regiment; and of Privates Andrew Cox of Company D, Thomas Holbrook of Company B, and R. W. Phillips of Company D, Jeremiah Coble of Company D, and Philow Benfield of Company H—all of the fourth North Carolina Regiment—will be executed under the direction of the commanding officer at Richmond, Virginia, to whom they will be sent, with copies of their respective sentences.

The omission to impose a sentence in the case of Private J. W. Harris, Company I, first North Carolina Regiment, is approved, only because held to be equivalent to the Court's attaching no guilt to the accused. But an adequate penalty should always follow a conviction, unless criminality is not attached to the prisoner.

The proceedings in the case of Private Daniel Lantz of Company K, of the twenty-fifth Virginia Regiment, is in so far disapproved, that while he is convicted, no sentence is imposed.

Those acquitted or not sentenced will be restored to duty.

In consideration of the unanimous recommendation of the Court, and the circumstances developed on the trial, the sentences in the cases of Private Jackson H. Dooley of Company B, of the twenty-fifth Virginia Regiment, and of Private Pleasant J. Steffey of Company E, of the forty-eighth Virginia Regiment, are remitted. They will be restored to duty.

In consideration of the unanimous recommendation of the Court, and the possibility of their being misled, so much of the sentences in the cases of Privates Eli Bennett, W. W. McMullin and Noah Hiser, of Company K, of the twenty-fifth Virginia Regiment, as imposes ball and chain and eight months of the hard labor decreed, are remitted. The remainder of their sentences respectively will be duly executed with their brigades, under the direction of their brigade commander.

In consideration of their previous high character as soldiers, they will be allowed the privilege of bearing arms in any action which may occur; and it is hoped that men of their valor will use this privilege, so as to achieve not only forgetfulness of past faults, but a worthy reputation for themselves.

The sentences in the cases of Privates Robert Sparks, W. W. Wyatt and J. T. Owens—all of Company E, of the fourth North Carolina Regiment—will be executed in the presence of their division, if practicable, and if not, of their brigade, seven days after the publication of their sentences to such brigade, under the direction of their division commander.

IX. Continuation of the proceedings of the Military Court of the Third Corps, Army of Northern Virginia, before which were arraigned and tried the following prisoners—(The Specifications are omitted):

1.—Private HENRY CANON, Company E, 16th Regiment N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Henry Canon, Company E, sixteenth Regiment North Carolina Troops, to forfeit all arrears of pay and allowances now due him, and his pay for twelve months in addition; to be confined on bread and water diet for four terms of fourteen days each; to be kept at hard labor in camp for two years, and not to be thereby excused from any military duty.

2.—Private W. NELSON, Company L, Orr's Regiment Rifles.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Wallace Nelson, Company L, Orr's Regiment Rifles, South Carolina Volunteers, to forfeit all arrears of pay and allowances due him, and his pay for twelve months in addition; to be confined on bread and water diet for two terms of fourteen days each; to be kept at hard labor in camp for one year, and not to be thereby excused from any military duty.

3.—Private W. P. ROBINSON, Company D, Orr's Regiment Rifles.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private W. P. Robinson, Com-

pany D, Orr's Regiment Rifles, South Carolina Volunteers, to forfeit his pay from the twenty-sixth day of January eighteen hundred and sixty-four to the twenty-eighth day of March eighteen hundred and sixty-four; to be kept at hard labor in camp for three months, and not to be thereby excused from any military duty.

4.—Lieutenant J. S. WILLIAMSON, Company I, 12th S. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant J. S. Williamson, Company I, twelfth South Carolina Regiment, to be suspended from his rank and pay, and to be kept in arrest within his regimental limits, for the period of fifteen days.

5.—Lieut. D. L. GLENN, Company F, 12th S. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification.
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant D. L. Glenn, Company F, twelfth South Carolina Regiment, to be suspended from his pay and command for fifteen days, and to be in arrest within his regimental limits for that period.

6.—Lieut. J. S. BOWERS, Company G, 13th Regiment S. C. Volunteers.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Not Guilty.

And the Court do therefore acquit the said First Lieutenant J. S. Bowers, Company G, thirteenth Regiment South Carolina Volunteers.

7.—Lieut. S. L. WIER, Company A, 13th S. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit the said Second Lieutenant S. L. Wier, thirteenth South Carolina Regiment.

8.—Corporal THOMAS TRIVETT, Company A, 37th N. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Corporal Thomas Trivett, Company A, thirty-seventh Regiment North Carolina Troops, to be reduced to the ranks; to forfeit three months' pay, inclusive of the time he was absent without leave; to be kept at hard labor in camp for three months, and not to be thereby excused from any military duty.

9.—Lieutenant JAMES M. GRIMSLEY, Company K, 37th N. C. Regiment.

CHARGE—Conduct to the prejudice of good order and military discipline.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant James M. Grimsley, Company K, thirty-seventh Regiment North Carolina Troops, to be suspended from his pay and command for three months; to be for that period in arrest within his regimental limits, and to be publicly reprimanded by the Commanding General of the Army of Northern Virginia.

10.—Private WILLIAM HUDLER, Company B, 37th N. C. Regiment.

CHARGE 1st—Desertion.

CHARGE 2d—Enlisting in another command, without a regular transfer or discharge from the corps in which he last served.

FINDING.

Of Specification of 1st Charge,
Of 1st Charge,
Of Specification of 2d Charge,
Of 2d Charge,

Guilty.
Guilty.
Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private William Hudler, Company B, thirty-seventh Regiment North Carolina Troops, to forfeit all arrears of pay and allowances now due him, and his pay for twelve months in addition; to be confined on bread and water diet for two terms of fourteen days each; to be kept at hard labor in camp for twelve months, and not to be thereby excused from any military duty.

11.—Private N. GREER, Company B, 37th N. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Newton Greer, Company B, thirty-seventh Regiment North Carolina Troops, to forfeit six months' pay, inclusive of the time of his absence without leave; to be kept at hard labor in camp for four months, and not to be thereby excused from any military duty.

12.—Private S. A. WILDER, Company D, 49th Ga. Regiment.

CHARGE—Conduct prejudicial to good order and military discipline.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private S. A. Wilder, Company D, forty-ninth Georgia Regiment, to forfeit one month's pay, and be confined in the guard house for that time.

The Court do not inflict a severer punishment in the above case, on account of Private Wilder's health; and they recommend an examination into his condition, to ascertain if he ought not to be discharged from the service for disability.

13.—Private JAMES A. PARKER, Company E, 7th N. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

But the Court attach no criminality thereto, and therefore acquit the said Private James A. Parker, Company E, seventh North Carolina Regiment.

14.—Private ANDREW SCRONCE, Company A, 18th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Andrew Scronce, Company A, eighteenth Regiment North Carolina Troops, to forfeit all arrears of pay and allowances now due him, and also to forfeit his pay for twelve months in addition; to be confined on bread and water diet for two terms of fourteen days each, and to be kept at hard labor in camp when not on duty, for two years.

15.—Private CALVIN BOLTON, Company D, 28th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Calvin Bolton, Company D, twenty-eighth Regiment North Carolina Troops, to forfeit twelve months' pay, inclusive of the time of his absence without leave; to be confined on bread and water for two terms of fourteen days each; to be kept at hard labor in camp for one year, and not to be thereby excused from any military duty.

16.—Private NATHAN REAVIS, Company I, 28th N. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Nathan Reavis, Company I, twenty-eighth Regiment North Carolina Troops, to forfeit his pay from the second day of September eighteen hundred and sixty-three to the twenty-eighth day of February eighteen hundred and sixty-four; and to be confined in the guard house for thirty days, and fed on bread and water for the first ten days and the last ten days of said confinement.

17.—Lieutenant RICHARD M. QUINCE, Company C, 7th N. C. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant Richard M. Quince, Company C, seventh Regiment North Carolina Troops, to be suspended from his pay and command for two months, and to be publicly reprimanded by his division commander.

18.—Private L. A. FURR, Company K, 28th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private L. A. Furr, Company K, twenty-eighth Regiment North Carolina Troops, to forfeit his pay for two years, inclusive of the time of his desertion; to be confined on bread and water diet for two terms of fourteen days each; to be kept at hard labor in camp for two years, and not to be thereby excused from any military duty.

19.—Lieut. B. F. TAYLOR, Company I, 9th Ala. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant B. F. Taylor, Company I, ninth Alabama Regiment, to be suspended from his pay and command, and to be kept in arrest within his regimental limits for one month.

20.—Captain N. J. FLOYD, A. Q. M. 9th Ala. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Captain N. J. Floyd, Assistant

Quartermaster of the ninth Alabama Regiment, to be suspended from his pay and command, and kept in arrest within his regimental limits for fifteen days.

21.—Captain H. C. SIMMONS, Company F, 8th Fla. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification.

Guilty.

Of Charge.

Guilty.

SENTENCE.

And the Court do therefore sentence the said Captain H. C. Simmons, Company F, eighth Regiment Florida Volunteers, to be suspended from his pay and command, and kept in arrest within his regimental limits for fifteen days.

22.—Captain THOMAS HAYDEN, A. Q. M. 10th Ala. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification.

Guilty.

To Charge.

Not Guilty.

FINDING.

Of Specification.

Guilty.

as pleaded, but without criminality.

Of Charge.

Not Guilty.

And the Court do therefore acquit the said Captain Thomas Hayden, Assistant Quartermaster tenth Alabama Regiment.

23.—Lieutenant THOMAS E. JOHNSTON, Company E, 48th Ga. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification.

Not Guilty.

Of Charge.

Not Guilty.

And the Court do therefore acquit the said Lieutenant Thomas E. Johnston, Company E, forty-eighth Georgia Regiment.

24.—Private ANDREW BROWN, Company G, 8th Ala. Regiment.

CHARGE 1st—Desertion.

CHARGE 2d—Enlisting in another company, without a regular discharge from the company in which he last served.

FINDING.

Of Specification of 1st Charge.

Guilty.

Of 1st Charge.

Guilty.

Of Specification of 2d Charge.

Guilty.

Of 2d Charge.

Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Andrew Brown, Company G, eighth Alabama Regiment, to forfeit all arrears of pay and allowances now due him, and also to forfeit his pay for twelve months in addition; to be confined on bread and water diet for two terms of fourteen days each; to be kept at hard labor in camp for one year, and not to be thereby excused from any military duty.

25.—Private M. C. FICKLING, Company D, 48th Ga. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification.
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private M. C. Fickling, Company D, forty-eighth Georgia Regiment, to forfeit all arrears of pay and allowances now due him, and also to forfeit his pay for twelve months in addition; to be confined on bread and water diet for two terms of fourteen days each; to be kept at hard labor in camp for one year, and not to be thereby excused from any military duty.

26.—Lieutenant J. MADISON CUMBA, Company E, 8th Fla. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification.
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant James Madison Cumbaa, Company E, eighth Florida Regiment, to be suspended from his pay and command for fifteen days, and to be publicly reprimanded by his brigade commander.

27.—Third Lieutenant R. S. GREER, Company E, 19th Miss. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification.
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant R. S. Greer, Company E, nineteenth Mississippi Regiment, to be publicly reprimanded by the commanding officer of his regiment.

28.—Second Lieutenant J. W. MCKENZIE, Company H, 19th Miss. Regiment.

CHARGE—Violation of paragraph four hundred and thirty-eight of the Army Regulations, and of General Orders, number three, from the Adjutant and Inspector General's office, series of eighteen hundred and sixty-three.

FINDING.

Of Specification and Charge.
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant John W. McKenzie, Company H, tenth Mississippi Regiment, to be publicly reprimanded by his division commander.

29.—Lieutenant JOHN W. LITTLE, Company B, 2d Fla. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant John W. Little, Company B, second Florida Infantry, to be publicly reprimanded by his brigade commander.

30.—Second Lieutenant R. P. WILLING, Company D, 12th Miss. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant R. P. Willing, Company D, twelfth Mississippi Regiment, to be suspended from his pay and command for one month, and to be publicly reprimanded by his brigade commander.

31.—Lieutenant W. T. GLASSCOCK, Company G, 12th Miss. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Lieutenant W. T. Glasscock, Company G, twelfth Mississippi Regiment, to be suspended from his pay and command for one month, and to be publicly reprimanded by his brigade commander.

32.—Private J. C. MORRIS, Company A, 22d Ga. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private J. C. Morris, Company A, twenty-second Georgia Regiment, to forfeit all arrears of pay and allowances now due him, and to do extra police and fatigue duty for three months.

33.—Private STARKEY HAND, Company C, 2d Ga. Battalion.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private Starkey Hand, Company C, second Georgia Battalion, to forfeit his pay from the eighteenth day of December eighteen hundred and sixty-three to the first day of April eighteen hundred and sixty-four, and to do extra police and fatigue duty for two months.

34.—Private W. A. FULLER, Company G, 3d Ga. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,	Not Guilty,
but guilty of absence without leave for the time specified.	
Of Charge,	Not Guilty,
but guilty of absence without leave.	

SENTENCE.

And the Court do therefore sentence the said Private W. A. Fuller, Company G, third Georgia Regiment, to forfeit all arrears of pay and allowances now due, and also to forfeit six months' pay in addition; to be confined on bread and water diet for two terms of fourteen days each; to be kept at hard labor in camp for six months, and not to be thereby excused from any military duty.

X. The proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

In the cases of Lieutenants S. L. Wier and J. S. Bowers—both of the thirteenth South Carolina Regiment—and of Lieutenant Thomas D. Johnston of the forty-eighth Georgia Regiment, the findings are disapproved. Schedule time for Lieutenant Wier was four days, and he allowed himself three days in which to return. Four days were necessary to Lieutenant Bowers to reach his place of destination. He should have allowed himself at least the same number to return. For Lieutenant Johnston, schedule time was three days, and it required for him to reach his home four days. He allowed himself two days to return. These officers are deemed culpable, and have set an injurious example to the men of their commands.

Those acquitted will be restored to duty.

To an officer of military spirit the censure of his peers and not the words in which it is conveyed, is a penalty. The General commanding can therefore add nothing to the censure of the Court in the case of Lieutenant J. M. Grimsley of the thirty-seventh North Carolina Regiment.

XI Continuation of the proceedings of a General Court Martial, convened at the Camp of Early's Division, by virtue of Special Orders, No. 8, Head Quarters Department of Northern Virginia, current series, before which were arraigned and tried the following prisoners—(The Specifications are omitted):

1.—Lieutenant J. F. C. WILLIAMS, Company H, 31st Ga. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,	Guilty.
To Charge,	Guilty.

FINDING.

The Court confirm the plea of accused.

SENTENCE.

And the Court do therefore sentence, First Lieutenant J. F. C. Williams, Company H, thirty-first Georgia Volunteers, to have been of good general character and conduct; to have been detained for a part of the time of his absence by uncontrollable causes, and for the residue by extenuating circumstances. The Court do therefore sentence him Lieutenant J. F. C. Williams, to forfeit three months' pay, and to be reprimanded by orders from his brigade head quarters.

2.—Captain C. D. BURK, 60th Ga. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do acquit him Captain C. D. Burk, of the sixtieth Georgia Regiment.

3.—First Lieutenant E. NAPIER, Company C, 60th Ga. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do acquit him First Lieutenant Edward Napier, Company C, sixtieth Georgia Regiment.

4.—Private A. RENOE, Company A, 49th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except that he did not desert, but absented himself without leave.
Of Charge,
of desertion, but of absence without leave.

Guilty.

Not Guilty

SENTENCE.

And the Court do therefore sentence him Private Alexander Renoe, Company A, forty-ninth Virginia Regiment, to hard labor, with ball and chain, and confinement on bread and water alternately fourteen days at a time for four months, and hard labor, with ball and chain for the period of four months longer, at such place as the Commanding General may designate.

5.—Captain J. F. PHILLIPS, Company A, 6th La. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,
To Charge,

Guilty.
Guilty.

FINDING.

The Court confirm the pleas of accused, but on account of the distressed condition of his family, the Court forbear to sentence the accused, Captain J. F. Phillips, Company A, sixth Louisiana Regiment.

6.—Lieutenant J. S. GILBERT, Company A, 6th La. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,
with the exception of five days.

Guilty.

To Charge,

Guilty.

FINDING.

The Court confirm the pleas of accused.

SENTENCE.

And the Court do therefore sentence him Lieutenant J. S. Gilbert, Company A, sixth Louisiana Regiment, to forfeit one month's pay, and to be publicly reprimanded by orders from his brigade head quarters.

7.—Private SAMUEL P. SIMPSON, Company B, 49th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except "did desert."

Guilty.

Of Charge,
but guilty of absence without leave.

Not Guilty.

SENTENCE.

And the Court do therefore sentence him Private Samuel P. Simpson, Company B, forty-ninth Virginia Regiment, to forfeit five months' pay, and to do fatigue duty in his brigade for two calendar months.

The Court are thus lenient, in consideration of the excellent character of the accused.

8.—Lieutenant THOMAS WARTHEN, Company I, 60th Ga. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Lieutenant Thomas Warthen, Company I, sixtieth Georgia Regiment.

9.—Private HENRY COFFEE, Company E, 13th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Private Henry Coffee, Company E, thirteenth Virginia Regiment.

10.—Sergeant McDANIEL M. BOOTH, Company G, 26th Ga. Regiment.

CHARGE—Disobedience of orders.

FINDING.

Of Specification.

Not Guilty.

Of Charge,

Not Guilty.

And the Court do therefore acquit him Sergeant McDaniel M. Booth, Company G, twenty sixth Georgia Regiment.

11.—Lieutenant Colonel JOHN G. KASEY, 58th Va. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification.

Guilty.

To Charge,

Guilty.

FINDING.

The Court confirm the pleas of accused; but in consideration of the circumstances as shown in the evidence, the Court refrain to sentence the accused, Lieutenant Colonel John G. Kasey, of the fifty-eighth Virginia Regiment.

12.—Private JOHN DILLARD, Company K, 5th La. Regiment.

CHARGE 1st—Conduct to the prejudice of good order and military discipline.

CHARGE 2d—Neglect of duty.

CHARGE 3d—Drunkenness on duty.

FINDING.

Of 1st Specification of 1st Charge,

Not Guilty.

Of 2d Specification of 1st Charge,

Not Guilty.

Of 1st Charge,

Not Guilty.

Of Specification of 2d Charge,

Guilty,

except so much as specifies that he was so much intoxicated as to be entirely unable to take charge of his wagon and property after his return.

Of 2d Charge,

Guilty.

Of Specification of 3d Charge,

Guilty,

except so much as specifies that he was disorderly, to the terror of the citizens, and to the discredit of the army.

Of 3d Charge,

Guilty.

SENTENCE.

And the Court do therefore sentence him Private John Dillard, Company K, fifth Louisiana Regiment, to hard labor for six months, at such place as the Commanding General may direct.

13.—Lieutenant W. C. MCBRIDE, Company H, 9th La. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,

Guilty.

To Charge,

Guilty.

FINDING.

The Court confirm the pleas of the accused; but the Court deeming the excuse of Lieutenant W. C. McBride, Company H, ninth Louisiana Regiment, as sent to army head quarters, satisfactory, forbear to sentence him.

14.—Captain A. SMITH, Company I, 13th Va. Regiment.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Captain Abraham Smith, Company I, thirteenth Virginia Regiment.

15.—Captain D. C. CODY, 31st Ga. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,
To Charge,

Guilty.
Guilty.

FINDING.

The Court confirm the pleas of accused.

SENTENCE.

And the Court do therefore sentence him Captain D. C. Cody, of the thirty-first Georgia Regiment, to forfeit one month's pay, including the time he was absent.

16.—Private WILLIAM S. KEATON, Company H, 28th Va. Regiment.

CHARGE 1st—Misbehavior in the face of the enemy.

CHARGE 2d—Insubordination.

CHARGE 3d—Desertion.

FINDING.

Of 1st Specification of 1st Charge,
Of 2d Specification of 1st Charge,
Of 1st Charge,
Of Specification of 2d Charge,
Of 2d Charge,

Not Guilty;
Not Guilty.
Not Guilty.
Guilty.
Not Guilty,

but guilty of disrespect to a superior officer.

Of Specification of 3d Charge,
Of 3d Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private William S. Keaton, Company H, twenty-eighth Virginia Regiment, to hard labor, with ball and chain, for three years, at such place as the Commanding General may direct.

17.—Sergeant P. D. MATTHEWS, Company I, 60th Ga. Regiment.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Sergeant P. D. Matthews, Company I, sixtieth Georgia Regiment, to forfeit three months' pay, and to be publicly reprimanded by his brigade commander.

18.—Lieutenant W. T. STEWART, Company D, 13th Ga. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,
To Charge,

Guilty.
Guilty.

FINDING.

The Court confirm the pleas of the accused, but find that he was sick during his absence, and is of good general character as a soldier.

SENTENCE.

The Court do therefore sentence him Lieutenant W. T. Stewart to forfeit one month's pay.

19.—Private J. W. SMITH, Company B, 49th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except "did desert."

Guilty,

Of Charge,
of desertion, but of absence without leave.

Not Guilty

SENTENCE.

And the Court do therefore sentence him Private J. W. Smith, Company B, forty-ninth Virginia Regiment, to do fatigue duty when not on other duty, and it is practicable, for two months, and to forfeit pay for the same period.

20.—Private M. D. KEYSER, Company K, 52d Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
of so much as specifies that he was absent without leave from his company and regiment from the 1st day of May 1863 to the 12th day of March 1864.

Guilty

Of residue of Specification,

Not Guilty.

Of Charge,

Not Guilty,

but guilty of absence without leave.

SENTENCE.

But the Court find that the accused was sick while absent, and of good general character as a soldier. The Court do therefore sentence him Private Marshall D. Keyser, Company K, fifty-second Virginia Regiment, when not on other duty, to do fatigue duty, when practicable, for four months, and to forfeit, besides that, for the time he was absent, his pay for the same period.

21.—Private W. R. WOOD, Company K, 38th Ga. Regiment.

CHARGE—Enlisting himself in another company, without a regular discharge from the regiment or company in which he last served

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Private W. R. Wood, Company K, thirty-eighth Georgia Regiment.

22.—Private SAMUEL T. GOODBREAD, Company G, 26th Ga. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Private Samuel T. Goodbread, Company G, twenty-sixth Georgia Regiment.

23.—Surgeon R. V. REID, 13th Ga. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,
To Charge,

Guilty.
Guilty.

FINDING.

The Court confirm the pleas of accused, but find that he was detained most of the time by uncontrollable circumstances, and is a faithful officer.

SENTENCE.

The Court do therefore sentence him Surgeon R. V. Reid, thirteenth Georgia Regiment, to be privately reprimanded by his brigade commander.

24.—Captain W. M. POTTER, Company G, 13th Ga. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,
To Charge,

Guilty.
Guilty.

FINDING.

The Court confirm the pleas of the accused.

SENTENCE.

And the Court do therefore sentence Captain W. M. Potter, Company G, thirteenth Georgia Regiment, to forfeit two months' pay.

25.—Lieut. J. N. FERGUSON, Company C, 13th Ga. Regiment.

CHARGE—Absence without leave.

PLEA.

To Specification,
To Charge,

Guilty.
Guilty.

FINDING.

The Court confirm the pleas of accused, but find that the accused was induced, by circumstances beneficial to the service, to remain absent for a part of the

time, and detained by accident the residue of the time so absent, and that he is of good general character.

The Court do therefore forbear to sentence him Lieutenant J. N. Furguson, Company C, thirteenth Georgia Regiment.

26.—Lieut. THOMAS R. McCARTY, Company E, 31st Ga. Regiment.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,

Of Charge,

but guilty of neglect of duty.

Guilty.

Not Guilty,

SENTENCE

And the Court do therefore sentence him First Lieutenant T. R. McCarty, Company C, thirty-first Georgia Regiment, to be publicly reprimanded by an order from division head quarters, to be published to the division, and to forfeit one month's pay.

XII. With the exceptions herein after indicated, the proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

The sentences in the cases of Private W. S. Keaton of Company H, of the fifty-eighth Virginia Regiment; of Private John Dillard of Company K, of the fifth Louisiana Regiment, and of Private A. Renoe of Company A, of the forty-ninth Virginia Regiment, will be executed under the direction of the commanding officer at Richmond, Virginia, to whom they will be sent, with copies of their respective sentences.

In consideration of the unanimous recommendation of the Court, and the circumstances developed on the trial, the sentence of Captain William M. Potter of the thirteenth Georgia Regiment, is remitted.

The findings in the cases of Captain C. D. Burk and Lieutenant E. Napier—both of the sixtieth Georgia Regiment—are disapproved. The leaves of absence in these cases expired on the twenty-eighth February eighteen hundred and sixty-four. Instead of being with their regiment on this day, they reached Richmond on the twenty-ninth February eighteen hundred and sixty-four, rendering their return impossible before the afternoon of the first of March eighteen hundred and sixty-four. The interruption of the trains on the first March eighteen hundred and sixty-four was consequently no excuse to them, and they should have been held culpable for the whole time they overstayed their leaves.

The proceedings in the cases of Lieutenant Colonel John G. Kasey of the fifty-eighth Virginia Regiment; of Captain J. F. Phillips of the sixth Louisiana Regiment, and of Lieutenant J. A. Furguson of the thirteenth Georgia Regiment, are in so far disapproved, that while they are convicted, no penalty is imposed. While palliating circumstances may furnish a reason for mitigating a sentence or recommending its remission, an adequate sentence should always follow a conviction, unless no criminality is attached to the act.

The omission to impose a sentence in the case of Lieutenant W. C. McBride of

the ninth Louisiana Regiment, is only approved, because it would appear the Court has attached no criminality to his act.

XIII. In their findings on the Specification, Courts Martial and the Military Courts frequently find the accused not guilty of certain words contained in such specifications, without substituting any others in their places. For instance, on the charge of desertion, is found—

“Of the Specification,
except of the word desert.”

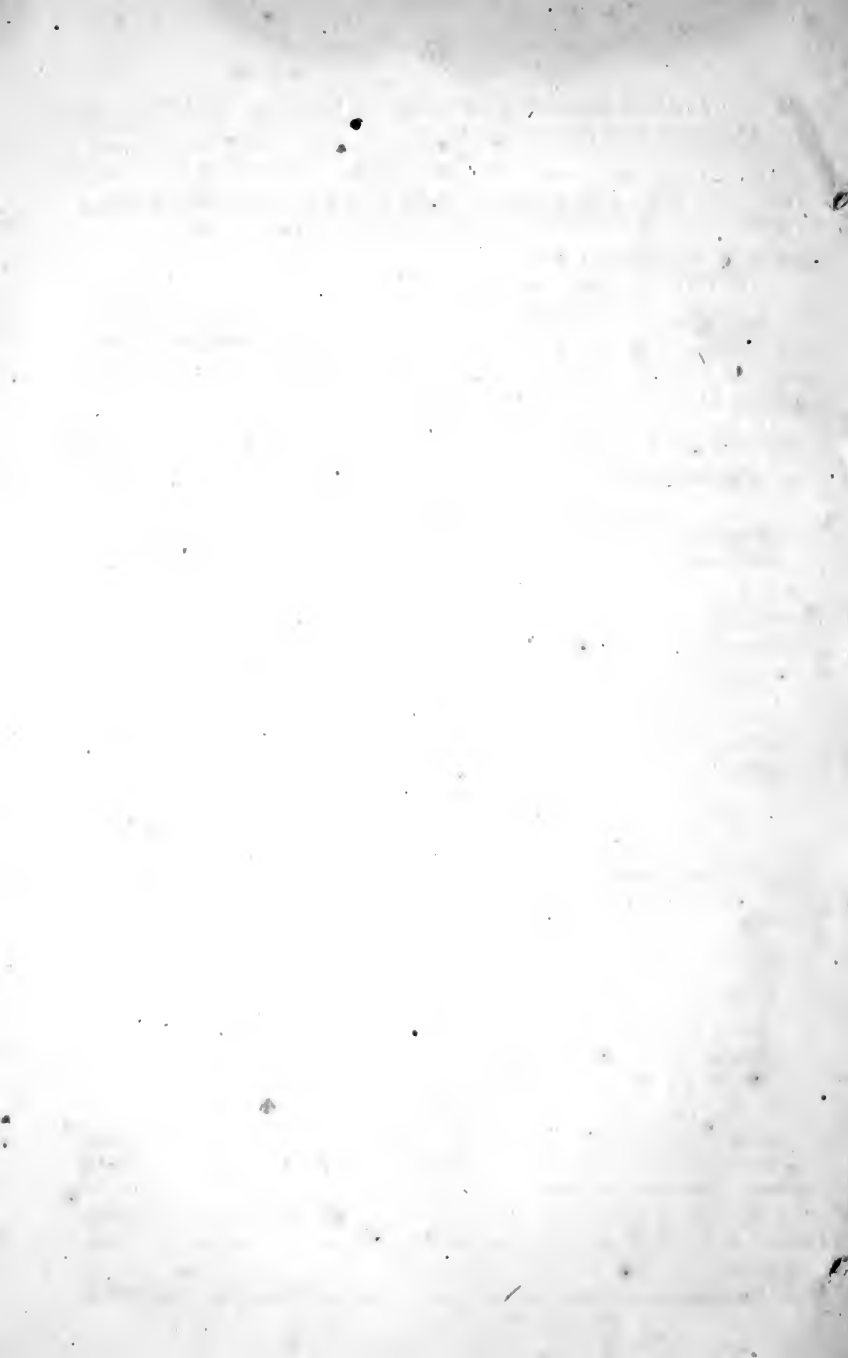
Guilty,

Reflection will show that unless the words absent himself without leave from, or similar words are designated as substituted for the above, the sense and meaning of the specification is destroyed. Attention is directed to the point.

Too much care cannot be given to the framing of sentences. The omission of articles, &c., to save time apparently, not only gives the proceedings the air of undue haste, but takes much from that precision and exactness so desirable.

By command of Gen. R. E. LEE

W. H. TAYLOR,
A. A. General



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